

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM JERRY ROSS)	
)	
COMPLAINANT)	
V.)	CASE NO. 2008-00449
)	
WINDSTREAM KENTUCKY EAST, LLC)	
)	
DEFENDANT)	

O R D E R

On October 16, 2008, William Jerry Ross filed a formal complaint with the Commission alleging that Windstream Kentucky East, LLC ("Windstream") has been improperly billing him for certain bundled telecommunications services. By Order dated October 23, 2008, Windstream was ordered to either satisfy the complaint or provide an answer to the allegations. On November 3, 2008, Windstream submitted its response.

In his complaint, Mr. Ross alleges that when he signed up for the provision of bundled services, Windstream failed to state the correct monthly cost for the services. He claims that his monthly cost should be \$99.97, plus applicable fees and taxes; however, since signing up for service, his bills have been significantly higher. Mr. Ross states that when he requested the provision of bundled services of telephone, Internet and direct-to-home satellite, Windstream did not convey to him that additional costs would be incorporated into his monthly bill. Upon agreeing to receive the bundled

services, Mr. Ross entered into an 18-month contract with the satellite service provider, the DISH Network. Mr. Ross requests that the Commission require Windstream to adjust his monthly bill so that he is required to pay only the cost that was advertised to him when he contracted for the bundled services.

In response, Windstream states that Mr. Ross's billing dispute centers solely on the provision of his satellite service. Windstream states that it has been aware of Mr. Ross's billing dispute, has worked with him to address the concerns, and continues to try to clarify any additional charges relating to the DISH Network satellite portion of his bundled services account.

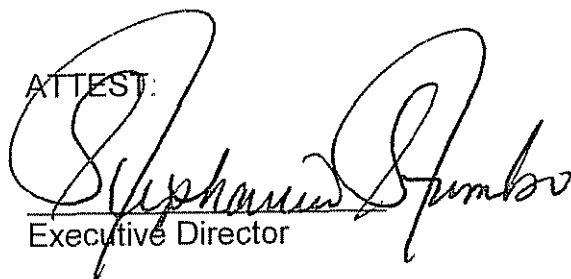
Having reviewed the record and being otherwise sufficiently advised, the Commission finds that we lack the proper and necessary jurisdiction to adjudicate this complaint. The Commission is without the power to order changes to the current billing practices or agreements for the provision of direct-to-home video satellite services. Pursuant to 47 U.S.C. § 303(v), the Federal Communications Commission preempts the Commission's authority to regulate the provision of direct-to-home video satellite services. As federal preemption currently exists for the specific issue in Mr. Ross's complaint, the Commission finds that his complaint fails to state a claim upon which relief can be granted by this Commission.

IT IS THEREFORE ORDERED that the complaint is dismissed and this case is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 14th day of November, 2008.

By the Commission

ATTEST:


Executive Director